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Action by Charles Petty against A. K. Kritselis. Judgment for plaintiff, and defendant brings error. Affirmed.

*McKinney & Settle*, of South Boston, for plaintiff in error.

*Jas. H. Guthrie*, of South Boston, for defendant in error.

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GALLION & GREGORY *v.* WINFREE.

Jan. 20, 1921.

[105 S. E. 539.]

**1. Appeal and Error (§ 970 (3)\*)—Trial (§ 59 (2)\*)—Order of Introduction of Evidence in Trial Court's Discretion.**—The order of introduction of evidence is left largely to the discretion of the trial courts, whose ruling thereon will not be disturbed unless plainly prejudicial to the complaining party.

**2. Evidence (§ 271 (7)\*)—Self-Serving Declarations as to Broker's Contract Held Inadmissible.**—In an action for damages for breach of an oral contract for division of land broker's commission, the testimony of plaintiff and others, to the effect that plaintiff had said previous to the sale that he was interested in the deal and had a contract with defendants, was self-serving and inadmissible on direct examination, where plaintiff's testimony was unimpeached.

**3. Appeal and Error (§ 1177 (5)\*)—Where Judgment Cannot Be Entered by Supreme Court, Matter Will Be Remanded for New Trial.**—Where, with objectionable testimony stricken, the case was so left that a final judgment could not be entered by the Supreme Court under Code 1919, § 6365, it must be remanded to circuit court for new trial in conformity with the opinion.

Error to Circuit Court, Lunenburg County.

Action by T. E. Winfree against G. L. Gallion and H. C. Gregory, copartners. Judgment for plaintiff, and defendants bring error. Reversed and remanded for new trial.

*Geo. E. Allen*, of Victoria, for plaintiff in error.

*W. Moncure Gravatt*, of Blackstone, for defendants in error.

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OWENS *v.* COMMONWEALTH.

Jan. 20, 1921.

[105 S. E. 531.]

**1. Criminal Law (§ 201\*)—When Proceeding in Another Court Bars Prosecution.**—Under Code 1919, § 4775, as amended by Acts 1920, c. 118, a mere proceeding or prosecution which does not result in a conviction does not bar another prosecution in a state court, but, if

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\*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.